

**REMARKS**

Claims 1-15, 24, 27, and 28 are all of the claims presently pending in the application. Applicant has canceled claims 25 and 26 without prejudice or disclaimer. Applicant has amended claim 1 to define the claimed invention more particularly. Applicant has added new claims 27 and 28 to claim additional features of the invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicants gratefully acknowledge the Examiner's indication that claims 5, 6, 14, and 14 would be allowable if rewritten in independent form. Applicants respectfully submit, however, that all of claims 1-15 and 24 are allowable.

Claims 7-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lindstrom (U.S. Patent No. 5,568,938). Claims 1-3, 12-13, and 25-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kowalski (U.S. Patent No. 6,158,766) in view of Lalonde (U.S. Patent No. 5,697,640). Claims 4 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kowalski in view of Lalonde and further in view of Enders et al. (U.S. Publication No. 2004/0007856). Claims 10 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kowalski in view of Lalonde and further in view of Brantman (U.S. Patent No. 5,695,242).

Applicants respectfully traverse these rejections in the following discussion.

## **I. THE CLAIMED INVENTION**

The claimed invention (e.g., as defined by exemplary claim 1) is directed to an inflator bag for a vehicle occupant restraining apparatus being able to expand and develop by a high-pressure gas filled in the inflator bag and is capable of restraining a vehicle occupant by being expanded and developed.

The inflator bag includes a box-shaped bag main body having gore portions on surrounding side faces to ensure a height of the box-shaped bag main body, wherein, in the gore portions, a folded line to be folded toward an inside of the box-shaped bag main body is formed in an intermediate portion in a height direction of the gore portions, which is used to allow the gore portions to be folded, and an overlaid and folded portion formed in an end of the gore portions on the surrounding side faces with corner portions of the box-shaped bag main body being sandwiched between one surrounding side face and another surrounding side face adjacent to the one surrounding side face wherein the gore portions are folded in a overlaid manner in the overlaid and folded portions at a same time when another gore portion on another surrounding side face is folded. The box-shaped bag main body is folded in a manner so as to be in a flat state when the gore portions are folded in a manner to form a valley line along the folded line (e.g., see Application at page 4, line 13 through page 5, line 5). The box-shaped main body includes a bottom plate and a ceiling plate opposite the bottom plate, and the ceiling plate is slanted with respect to the bottom plate (e.g., see Application at Figure 2).

Furthermore, the claimed invention (e.g., as defined by exemplary claim 7) is directed to an inflator bag for a vehicle occupant restraining apparatus being able to expand and develop by a high-pressure gas filled in the inflator bag and is capable of restraining a vehicle occupant by being expanded and developed.

The inflator bag includes a hollow body having an opening formed on opposing sides of the hollow body and a cross-sectional structure in which the opposing sides of the hollow body are dented in a U-shaped manner toward an inside of a tube-shaped body in one diameter direction out of two diameter directions intersecting at right angles on the hollow body and the opposing sides of the hollow body are crushed in a manner so as to be in a plane state in another diameter direction. A bag main body includes opened portions of the hollow body on the opposing sides and end face plates blocking the opened portions, and the bag main body is crushed in a manner so as to be in a flat state on the opposing sides in the another diameter direction (e.g., see application at page 8, lines 8-24).

Accordingly, the claimed invention provides an inflator bag for a vehicle occupant restraining device, which is stable and compact (e.g., see application at page 4, lines 5-10).

## II. THE PRIOR ART REFERENCES

### A. The Lindstrom Reference

The Examiner alleges that Lindstrom teaches the claimed invention of claims 7-9. Applicant submits, however, that Lindstrom does not teach or suggest each feature of the claimed invention.

That is, Lindstrom does not teach or suggest, “*wherein a bag main body comprises opened portions of said hollow body on opposing sides and end face plates blocking the opened portions*”, as recited in exemplary claim 7.

In accordance with an exemplary aspect of the claimed invention (e.g., as defined by claim 7), a main body (e.g., 502) of an inflatable bag (e.g., 501) may have open end portions (e.g., see application at Figure 5). The open end portions may be blocked by end face plates (e.g., 503). This feature is not taught or suggested by Lindstrom.

Indeed, Applicant submits that Lindstrom does not teach or suggest an inflatable bag having open end portions. That is, Lindstrom merely teaches an air bag 40 including a front wall 41, a rear wall 42, and sidewalls 43, 44, 45, and 46 (see Lindstrom at column 4, lines 26-31 and Figures 5 and 6). Lindstrom does not, however, teach or suggest an air bag having open end portions nor end face plates blocking the open end portions.

The Examiner alleges, “Regarding the limitation of the end plates, the applicant should note that a plate as broadly defined is no more than: “a smooth flat thin piece of material.” *See, Merriam-Webster’s Online Dictionary.*” (See Office Action dated November 1, 2007 at page 3).

Applicant submits, however, that the Examiner’s reliance on the definition of “plate” found in Merriam-Webster’s Online Dictionary is inconsistent with current United States patent law. Indeed, the Court in *Phillips v. AWH Corporation* held that when determining the meaning of terms in a claim, one must first consider the disclosure of the application before considering extrinsic evidence, such as dictionaries.

The application discloses that the end plates may be welded onto the bag main body. Welding refers to the joining of two or more metals by applying heat. Accordingly, the Examiner’s allegation that the term end plates refers to any flat piece of material is inconsistent with the meaning of the term end plates as set forth in the application.

Therefore, Applicant submits that there are elements of the claimed invention that are not taught or suggest by Lindstrom. Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

#### **B. The Kowalski Reference**

The Examiner alleges that Kowalski would have been combined with Lalonde to teach

the claimed invention of claims 1-3, 12-13, and 25-26. Furthermore, the Examiner alleges that Kowalski and Lalonde would have been combined with Enders to teach the claimed invention of claims 4 and 11. Still furthermore, Examiner alleges that Kowalski and Lalonde would have been combined with Brantman to teach the claimed invention of claims 10 and 24. Applicant submits, however, that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

That is, Kowalski (taken alone or in view of any of the applied secondary references) does not teach or suggest, “*wherein said box-shaped main body comprises a flat bottom plate and a ceiling plate opposite said bottom plate, and wherein the ceiling plate is slanted with respect to the bottom plate*”, as recited in exemplary claim 1.

In rejecting claims 25 and 26 (which previously recited the above feature now incorporated into independent claim 1), the Examiner alleged, with respect to Kowalski, “said ceiling plate is slanted with respect to the bottom plate, at least with respect to the slanted portions of the top and bottom plates of Kowalski.” (See Office Action dated November 1, 2007 at page 6). The Examiner’s allegations, however, are clearly inconsistent with the actual teachings of Kowalski.

Indeed, Kowalski clearly teaches two plates (26 and 28) that are horizontal and parallel to each other (see Kowalski at Figures 2 and 3). Thus, Kowalski fails to teach or suggest each and every feature of the claimed invention.

Furthermore, the applied secondary references fail to make up the deficiencies of Kowalski.

Therefore, Applicant submits that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention. Therefore, Applicant respectfully requests the Examiner to withdraw this rejection.

#### **IV. NEW CLAIMS**

Applicant has added new claims 27 and 28 to claim an additional feature of the invention and to provide more varied protection for the claimed invention. These claims are independently patentable because of the novel and nonobvious features recited therein.

Applicant submit that new claims are patentable over the cited prior art references at least for analogous reasons to those set forth above with respect to claims 1-15 and 24.

#### **V. FORMAL MATTERS AND CONCLUSION**

In view of the foregoing, Applicant submit that claims 1-15, 24, 27, and 28, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. Applicant respectfully requests the Examiner to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, Applicant requests the Examiner to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Serial No. 10/522,343  
Docket No. JP25004PCTUS

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Applicant authorizes the Commissioner to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0481.

Respectfully Submitted,

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